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TAGS: [ECON](#) [TSPL](#) [KCIS](#) [PGOV](#) [EINV](#) [CO](#)
SUBJECT: GOC WANTS TO CONCLUDE S&T AGREEMENT AS DELIVERABLE

REF: A. BOGOTA 1462
 [B.](#) STATE 45800
 [C.](#) BOGOTA 168

[¶](#)1. (U) SUMMARY: The GOC reiterated its commitment to the U.S.-Colombia Science & Technology (S&T) Agreement and expressed urgency to reach an accord in the event that a potential Uribe-POTUS bilat takes place in the near future. Nonetheless, they still suggest numerous changes to the latest draft, most notably to Section III-A of the IPR Annex so that copyright ownership would be determined on a case-by-case basis. While work remains to be done to bridge differences, the GOC is clearly committed to the process as evidenced by its quick turnaround of the latest USG proposal.

EconOffs will send copies by unclas e-mail of the official GOC counterproposal text to USG interagency players. END SUMMARY.

GOC Working Group Committed to Agreement

[¶](#)2. (SBU) On June 5 EconOffs received the GOC's response to the draft Agreement and IPR Annex with the GOC interagency S&T group: Ministry of Foreign Affairs Director of International Cooperation Enrique Maruri, MFA North American Affairs Officer Adriana Maldonado, MFA IPR Officer Oscar Echeverry, Advisor to the Vice-Minister of Environment Giannina Santiago, IPR Advisor to the Vice-Minister of Commerce Liliana Ariza, and Advisor to the Director of Colciencias Sara Arauja. The GOC noted the difficulties associated with restarting IPR Annex talks from zero, but highlighted its commitment to finding consensus. The GOC interagency group had met twice following the initial meeting with EconOffs on May 6 (ref A). During a June 9 meeting with EconOff and visiting Jefferson Science Fellow the GOC team showed urgency in engaging with USG counterpart, with an eye toward reaching agreement before a potential June 29 high-level bilateral meeting.

Disputed Sections of Agreement Text

[¶](#)3. (U) The GOC has four suggested changes within the Agreement text: Article V, Article VII (paragraph 2), Article VIII (paragraph 2), and Article IX (paragraph 2). The GOC requests: Article V, delete the phrase "be encouraged to," as Arauja from Colciencias said the GOC wanted to ensure joint research collaboration under the agreement, rather than encourage it; Article VII, paragraph 2, change the title of Colciencias to Administrative Department for Science, Technology and Innovation, given Colciencias' new title and status after the January 2009 passing of the new S&T Law (ref C); Article VIII paragraph 2, make specific reference to the

IPR Annex and alter the language to mirror the preamble of the Annex; Article IX, substitute "create conditions for" for "facilitate the" and delete "geographic area" at the request of the Ministry of Environment.

Disputed Sections of IPR Annex

¶4. (U) The GOC has numerous areas of concern within the IPR Annex. The GOC proposes the following changes: delete Section II-D, arguing that the relevant institutions or entities, rather than the Parties, should participate in dispute settlement; change Section III-A to allow scientist exclusive rights to intellectual property, with the GOC noting that this was their most important change; add a sentence about national laws in Section III-B(1); add a sentence to Section III-B (2b) regarding the exploitation of IPR; delete Section III-B(2c) because the GOC believes territoriality should not apply; delete the sentence regarding the three month limitation in Section III-B(2d), as the GOC expects to always reach agreement to any potential disputes; delete a phrase in Section III-B(2e) due to existing GOC legislation regarding disclosure that cannot be superseded by this agreement; and add "domestic" to Section IV in reference to laws, regulations and administrative practices.

¶5. (U) The GOC requested to discuss the USG response to its comments as soon as possible, suggesting that a digital video conference (DVC) with the USG interagency might be a prudent next step. EconOffs will forward all GOC responses to the USG interagency group via unclas email.

Brownfield